



# The Attorney General of Texas

December 27, 1978

**JOHN L. HILL**  
Attorney General

Supreme Court Building  
P.O. Box 12548  
Austin, TX. 78711  
512/475-2501

701 Commerce, Suite 200  
Dallas, TX. 75202  
214/742-8944

4824 Alberta Ave., Suite 160  
El Paso, TX. 79905  
915/533-3484

723 Main, Suite 610  
Houston, TX. 77002  
713/228-0701

806 Broadway, Suite 312  
Lubbock, TX. 79401  
806/747-5238

4313 N. Tenth, Suite F  
McAllen, TX. 78501  
512/682-4547

200 Main Plaza, Suite 400  
San Antonio, TX. 78205  
512/225-4191

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Honorable Lauro Benavides  
Webb County Attorney  
P. O. Box 577  
Laredo, Texas 78040

Letter Advisory No. 156

Re: Whether a junior college district may hire an individual related to the president of the college.

Dear Mr. Benavides:

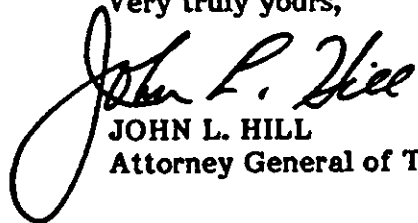
You have asked if the Texas nepotism laws would prohibit a junior college district from hiring someone related to the president of the college within the degrees covered by the statute. Article 5996a, V.T.C.S., generally prohibits a public officer from hiring or appointing an individual who is within specified degrees of relationship to a position supported with public funds. The statute is not violated if the public officer cannot exercise any control over the selection of the person. Attorney General Letter Advisory No. 116 (1975) (sheriff can hire son-in-law of county commissioner to serve as jailer); Letter Advisory No. 115 (1975) (county judge may hire daughter of a county commissioner); Letter Advisory No. 79 (1974); Letter Advisory No. 70 (1973) (district clerk and county tax collector may each hire deputy related to a county commissioner); Opinion No. H-1210 (1978) (commissioners court exercised no control over selection of ambulance supervisor); H-697 (1975) (commissioners have no control over employees hired under the County Civil Service Act).

The Board of Trustees of a junior college is authorized to hire faculty and other employees upon the president's recommendation. Art. 130.082(d), Educ. Code. Thus the president and the board exercise joint control over the selection of employees and faculty. We believe this control is sufficient to make the nepotism statute applicable to the employment of persons related to the president. See Letter Advisory No. 152 (1978) (chief of police had influence over retaining probationary employee); Letter Advisory No. 148 (1977) (university may not employ niece of regent).

## S U M M A R Y

The nepotism law is applicable to persons hired by a junior college Board of Trustees upon the recommendation of the President to whom the person is related.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee

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